

Message Text

PAGE 01 STATE 136234
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TAGS:PFOR, SHUM, TW

SUBJECT:STATEMENT FOR JUNE 14 HEARING

1. THE TEXT OF OPENING STATEMENT WHICH EA/ROC DIRECTOR
LEVIN WILL MAKE AT JUNE 14 HFAC SUBCOMMITTEE HEARING
CONCERNING HUMAN RIGHTS ON TAIWAN FOLLOWS:

2. BEGIN TEXT: MR. CHAIRMAN, MEMBERS OF THE COMMITTEE,
I HAVE BEEN ASKED TO APPEAR BEFORE YOU TODAY TO DISCUSS
THE HUMAN RIGHTS SITUATION IN THE REPUBLIC OF CHINA.
BEFORE DOING SO, I WOULD LIKE TO MAKE CLEAR THAT I
PERSONALLY WELCOME PRESIDENT CARTER'S EMPHASIS ON
HUMAN RIGHTS AS AN ESSENTIAL COMPONENT OF AMERICAN
FOREIGN POLICY.

3. IN ADDITION TO PROMOTING HUMAN RIGHTS, OUR INTERESTS
ON TAIWAN INCLUDE PRESERVING PEACE, SUSTAINING A MUTUALLY
BENEFICIAL ECONOMIC RELATIONSHIP, DISCOURAGING NUCLEAR
PROLIFERATION AND CONDUCTING OUR RELATIONS IN WAYS THAT
UNCLASSIFIED

PAGE 02 STATE 136234

ARE CONSISTENT WITH OUR OBJECTIVE OF NORMALIZING RE-
LATIONS WITH THE PEOPLE'S REPUBLIC OF CHINA. THERE IS
A COMPLEX AND NOT ALWAYS SUPPORTIVE INTERACTION BETWEEN
THESE INTERESTS WHICH MAKES IT DIFFICULT TO FOCUS ON
ONE OF THEM. NEVERTHELESS, I SHALL DO MY BEST TO

DESCRIBE IN PERSPECTIVE THE HUMAN RIGHTS SITUATION ON
TAIWAN.

4. PERSPECTIVE ON THE PRESENT

5. BEFORE GETTING INTO SPECIFICS, I'D LIKE TO TAKE A FEW MINUTES TO EXAMINE THE HISTORICAL BACKGROUND.

6. FOR TWENTY CENTURIES, CHINA WAS GUIDED BY THE CONFUCIAN CONCEPT THAT IT WAS THE INDIVIDUAL'S DUTY TO BE LOYAL AND OBEDIENT TO THE STATE. REPRESSION WAS A SANCTIONED MEANS FOR DEALING WITH OPPOSITION TO CONFUCIAN ORTHODOXY AS DEFINED BY THE RULERS OF THE DAY. LAW, TO THE EXTENT IT PLAYED ANY ROLE IN GOVERNMENT, FOCUSED ON PRESERVING SOCIAL ORDER RATHER THAN ON PROTECTING THE INDIVIDUAL. MOREOVER, THE LAW WAS METED OUT BY OFFICIALS WHO COMBINED BOTH EXECUTIVE AND JUDICIAL POWERS. WESTERN CONCEPTS OF GOVERNMENT AND INDIVIDUAL RIGHTS WERE NOT INTRODUCED INTO CHINA UNTIL THE LATE 19TH CENTURY AND DID NOT FLOURISH IN THE WARS AND INTERNAL DISUNITY OF THE FIRST HALF OF THE 20TH CENTURY.

7. AT THE CONCLUSION OF WORLD WAR II, AN ECONOMICALLY PROSTRATE TAIWAN WAS PLACED UNDER THE CONTROL OF A CHINA ITSELF WEARIED BY WAR AND BESET BY GROWING CIVIL CONFLICT. THE HARSH AND ARBITRARY RULE OF THE ISLAND'S MILITARY GOVERNMENT LED TO THE BLOODILY REPRESSED TAIWANESE UPRISING OF 1947.

8. FOLLOWING ITS DEFEAT ON THE MAINLAND AND RETREAT
UNCLASSIFIED

PAGE 03 STATE 136234

TO TAIWAN IN 1949, THE ROC REMAINED PREOCCUPIED WITH COMMUNIST SUBVERSION. INTO THE EARLY 1950'S, THERE WAS AN ATMOSPHERE OF FEAR AND REPRESSION ON TAIWAN WITH MANY TRAPPINGS OF A POLICE STATE.

9. IN THE INTERVENING QUARTER CENTURY, TAIWAN HAS EVOLVED TOWARD A MORE OPEN SOCIETY. THE POLICE STATE ATMOSPHERE NO LONGER EXISTS, AND THE AVERAGE CHINESE GOES ABOUT HIS DAILY LIFE WITHOUT FEAR OR REPRESSION. FRICTION BETWEEN TAIWANESE AND MAINLANDERS HAS EASED DRAMATICALLY. FOR THE FIRST TIME IN CHINA, ELECTED LOCAL GOVERNMENT HAS BEEN INSTITUTED, AND TAKEN REASONABLY FIRM ROOT. WESTERN LEGAL FORMS, BASED ON CONTINENTAL EUROPEAN MODELS, HAVE BEEN STRENGTHENED.

10. FACTORS FOR AND AGAINST CHANGE

11. WHAT BROUGHT ABOUT THIS CHANGE?

12. MOST IMPORTANTLY, UNINTERRUPTED PEACE, STABILITY, AND ECONOMIC DEVELOPMENT. OVER THE PAST TWENTY YEARS, PER CAPITA INCOME HAS GROWN FROM 71 DOLS. TO 809 DOLS. INCOME IS FAIRLY WELL DISTRIBUTED AND THE GAP BETWEEN RICH AND POOR IS NARROWING. NEARLY UNIVERSAL LITERACY

AND EQUAL EDUCATIONAL OPPORTUNITIES HAVE EXPOSED THE WHOLE POPULATION TO A COMMON MODERNIZING INFLUENCE. IN 1952, 140,000 STUDENTS WERE IN SECONDARY SCHOOLS; BY 1975, THIS HAD GROWN TO 1.5 MILLION. THESE SOCIAL AND ECONOMIC ADVANCES HAVE SIGNIFICANTLY REDUCED TAIWANESE DISSATISFACTION AND GIVEN THE PEOPLE A STAKE IN THEIR GOVERNMENT. IN TURN, THE GOVERNMENT FEELS LESS APPREHENSIVE ABOUT THE LOYALTY OF ITS PEOPLE.

13. THESE DOMESTIC TRENDS HAVE BEEN SUPPLEMENTED BY VASTLY INCREASED CONTACT WITH THE OUTSIDE WORLD. FOR UNCLASSIFIED

PAGE 04 STATE 136234

THE PAST DECADE, TAIWAN'S ECONOMY HAS BEEN DOMINATED BY THE FOREIGN TRADE SECTOR. THE PRACTICES AND EXPOSURE THAT ACCOMPANY THIS TRADE HAVE PROFOUNDLY INFLUENCED TAIWAN'S ECONOMIC, SOCIAL AND POLITICAL LIFE. AT THE SAME TIME, A SIGNIFICANT NUMBER OF TAIWAN'S ELITE HAS BEEN EDUCATED IN THE WEST, PRIMARILY THE US. THROUGH THEM, WESTERN POLITICAL AND SOCIAL VALUES HAVE INCREASINGLY AFFECTED PUBLIC ATTITUDES AND GOVERNMENT POLICY.

14. DESPITE THESE FACTORS, THERE ARE SEVERAL REASONS WHY THERE HAS NOT BEEN GREATER PROGRESS. FIRST AND FOREMOST, DESPITE WESTERN FEATURES, TAIWAN REMAINS A CHINESE SOCIETY. A TWO THOUSAND YEAR OLD POLITICAL TRADITION CONTINUES TO BEAR HEAVILY ON THE CURRENT SCENE. TAIWAN'S POLITICAL DYNAMICS REFLECT THE HIGHLY CENTRALIZED AND PERSONALIZED CHINESE LEADERSHIP PATTERN. IN MAKING ITS OWN COMPROMISES BETWEEN SOCIAL ORDER AND INDIVIDUAL RIGHTS, TAIWAN PREDICTABLY CONTINUES TO GIVE PREFERENCE TO THE TRADITIONAL EMPHASIS ON SOCIAL ORDER AND HARMONY. NOT SURPRISINGLY, ITS ECONOMIC AND SOCIAL RECORD IS BETTER THAN ITS RECORD ON CIVIL AND POLITICAL RIGHTS, AS WE DEFINE THEM.

15. SECONDLY, DESPITE THE ABSENCE OF SIGNIFICANT FIGHTING SINCE THE SECOND TAIWAN STRAITS CRISIS IN 1958, THE REPUBLIC OF CHINA CONSIDERS ITSELF IN A CONTINUING CIVIL WAR WITH THE PEOPLE'S REPUBLIC OF CHINA. AS AN ISLAND PITTED AGAINST A CONTINENT, THE ROC BELIEVES THE SITUATION WARRANTS EMERGENCY GOVERNMENTAL MEASURES, WHICH UNFORTUNATELY RESULT IN

LIMITATIONS ON HUMAN RIGHTS.

16. FINALLY, SOME OPPONENTS OF THE PRESENT GOVERNMENT UNCLASSIFIED

PAGE 05 STATE 136234

MENT PRACTICE VIOLENCE. LAST FALL, A PARCEL BOMB SERIOUSLY INJURED THE GOVERNOR OF TAIWAN. IN 1970, THERE WAS AN ASSASSINATION ATTEMPT AGAINST PREMIER CHIANG CHING-KUO WHILE HE WAS VISITING NEW YORK. LAST YEAR, A LETTER BOMB WAS MAILED TO THE REPUBLIC OF CHINA'S AMBASSADOR IN WASHINGTON. THESE ACTS HAVE UNDOUBTEDLY STRENGTHENED THE HAND OF THOSE UNSYMPATHETIC TO HUMAN RIGHTS ON TAIWAN.

17. THUS, THE REPUBLIC OF CHINA IS A SOCIETY IN TRANSITION. WHILE THERE ARE HARD-LINE ELEMENTS, THERE ARE ALSO MANY IN THE GOVERNMENT WHO APPRECIATE WESTERN CONCEPTS OF DEMOCRACY AND INDIVIDUAL RIGHTS.

18. IN YOUR LETTER REQUESTING MY APPEARANCE, YOU ASKED THAT I ADDRESS A NUMBER OF ISSUES CONCERNING HUMAN RIGHTS ON TAIWAN.

19. REPORTS OF TORTURE AND HARRASSMENT

20. WHILE REPORTS OF TORTURE AND CRUEL TREATMENT PERSIST, THEY HAVE BEEN LESS FREQUENT IN RECENT YEARS. TYPICALLY, SUCH REPORTS CONCERN PRE-TRIAL DETENTION AND THE EXTRACTION OF CONFESSIONS WHICH CONTINUE TO PLAY A PROMINENT ROLE IN MANY INDICTMENTS. IT IS DIFFICULT TO VERIFY THEM. IT IS OUR VIEW THAT TORTURE IS NOT A WIDESPREAD PRACTICE IN THE REPUBLIC OF CHINA. OUR EMBASSY HAS CONTACTS IN MOST EVERY SEGMENT OF SOCIETY, AND WE ARE CONFIDENT THAT WERE TORTURE WIDESPREAD, WE WOULD BE AWARE OF IT. NEVERTHELESS, IN LIGHT OF THE CONTINUING REPORTS, IT SEEMS PROBABLE THAT THE POLICE AND SECURITY SERVICES AT TIMES HAVE USED TORTURE, HARSH TREATMENT, AND PSYCHOLOGICAL PRESSURE, ALTHOUGH THIS IS CONTRARY TO THE DECLARED POLICY OF THE GOVERNMENT.

UNCLASSIFIED

PAGE 06 STATE 136234

21. THERE ARE ALSO REPORTS OF GOVERNMENT SURVEILLANCE AND HARRASSMENT OF THE FAMILIES AND ASSOCIATES OF THOSE WHO OPPOSE ITS BASIC POLICIES. THIS PRACTICE DERIVES FROM THE CHINESE TRADITION OF COLLECTIVE RATHER THAN INDIVIDUAL RESPONSIBILITY. IT CREATES A SENSE OF APPREHENSION AND UNCERTAINTY WHICH RESTRICTS FREE SPEECH AND POLITICAL ACTIVITY.

22. POLITICAL PRISONERS

23. THERE ARE POLITICAL PRISONERS IN THE REPUBLIC OF CHINA. HOW MANY IS UNCERTAIN, BUT WE BELIEVE

THEY NUMBER IN THE SEVERAL HUNDREDS. AMNESTY INTERNATIONAL HAS THE NAMES OF ABOUT 200. THE GOVERNMENT STATED LAST DECEMBER THAT THERE WERE 254 PEOPLE IN PRISON AT THAT TIME ON SEDITION CHARGES, OF WHOM 95 WERE CONVICTED DURING 1974-1976. WE WOULD CONSIDER MANY OF THESE PRISONERS OF CONSCIENCE; SOME, HOWEVER, WERE CONVICTED OF TERRORIST ACTS. IN GENERAL, THE POLITICAL PRISONERS FALL INTO TWO MAIN GROUPS -- THOSE ACCUSED OF COMMUNIST ACTIVITIES AND ASSOCIATIONS AND THOSE OPPOSED TO BASIC GOVERNMENT POLICIES.

24. THOUGH CRIMES OF SEDITION MAY BE PUNISHED BY THE DEATH PENALTY, THERE HAVE BEEN NO REPORTS OF POLITICAL EXECUTIONS IN RECENT YEARS. IT IS OUR IMPRESSION THAT THE AVERAGE SENTENCE IN RECENT POLITICAL TRIALS IS ABOUT 10 YEARS, THOUGH THOSE CONVICTED OF TERRORISM OR COMMUNIST ACTIVITIES HAVE OFTEN BEEN GIVEN LIFE SENTENCES.

25. FOLLOWING PRESIDENT CHIANG KAI-SHEK'S DEATH IN 1975, THE GOVERNMENT PROMULGATED A COMMUTATION ACT WHICH REDUCES SENTENCES FOR POLITICAL PRISONERS AND RELEASED ABOUT 200 OF THE APPROXIMATELY 500 UNCLASSIFIED

PAGE 07 STATE 136234

PERSONS IMPRISONED AT THE TIME FOR POLITICAL OFFENSES.

26. MARTIAL LAW

27. IN 1948, AT THE HEIGHT OF THE CHINESE CIVIL WAR, THE GOVERNMENT IMPOSED MARTIAL LAW. IT IS STILL IN EFFECT. MARTIAL LAW GIVES THE GOVERNMENT BROAD POWERS TO TRY A WIDE VARIETY OF CRIMES IN MILITARY COURTS, TO LIMIT POLITICAL ASSEMBLY, TO PROHIBIT STRIKES, AND TO CENSOR THE PRESS. IT DOES NOT, HOWEVER, IMPOSE MILITARY RULE. IN FACT, OVER THE LAST TWO DECADES, THE ROLE OF THE MILITARY IN NATIONAL AFFAIRS HAS STEADILY DECLINED.

28. MOST HUMAN RIGHTS VIOLATIONS HAVE THEIR LEGAL BASIS IN THE MARTIAL LAW. ITS GENERALIZED REFERENCES TO OFFENSES AGAINST THE SECURITY OF THE STATE AND AGAINST PUBLIC ORDER AND SAFETY PROVIDE THE GOVERNMENT READY MEANS TO ACT AGAINST OPPONENTS. HOWEVER, THE GOVERNMENT DOES NOT UTILIZE ALL OF THE DISCRETIONARY POWERS GRANTED BY THAT LAW; MANY CRIMINAL OFFENSES WHICH COULD BE TRIED IN MILITARY COURTS ARE

NOW TRIED IN CIVILIAN COURTS.

29. DETENTION AND DUE PROCESS

30. THOUGH THE REPUBLIC OF CHINA'S DETAILED HABEAS CORPUS LAW IS GENERALLY APPLIED IN ORDINARY CIVIL AND CRIMINAL CASES, THE INFORMATION AVAILABLE TO US INDICATES THAT PEOPLE SUSPECTED OF SEDITION ARE DETAINED, OFTEN INCOMMUNICADO, FOR TWO WEEKS AND AT TIMES MONTHS WITHOUT BEING FORMALLY CHARGED OR TRIED. HOWEVER, IN CONTRAST WITH THE EARLY YEARS OF ROC RULE ON TAIWAN WHEN SOME PEOPLE SIMPLY DISAPPEARED, IT IS OUR IMPRESSION THAT IN RECENT YEARS UNCLASSIFIED

PAGE 08 STATE 136234

DETAINEES ARE EVENTUALLY EITHER CHARGED AND TRIED OR RELEASED.

31. THERE HAS BEEN INCREASING ATTENTION TO THE FORMS OF DUE PROCESS IN MILITARY COURT TRIALS AND APPEALS INVOLVING SEDITION, BUT THE SUBSTANCE IS LARGELY ABSENT. ATTENDANCE IS GENERALLY LIMITED TO FAMILY MEMBERS AND INVITED PRESS. TYPICALLY, SUCH TRIALS LAST ONLY A MATTER OF HOURS. WHILE REPRESENTED BY COUNSEL, THE ACCUSED HAS LITTLE REAL OPPORTUNITY TO DEFEND HIMSELF. THE INDEPENDENCE OF MILITARY COURTS IS NOT ESTABLISHED. APPEALS OCCASIONALLY RESULT IN REDUCED SENTENCES, BUT CONVICTIONS HAVE NOT BEEN REVERSED.

32. ELECTIONS

33. IT IS ONLY IN THE PAST TWENTY-FIVE YEARS THAT THE REPUBLIC OF CHINA HAS DEVELOPED A REGULAR PATTERN OF ELECTIONS. THESE ARE AT THE PROVINCIAL, MUNICIPAL, COUNTY, AND VILLAGE LEVELS. WHILE THERE HAVE BEEN INSTANCES OF IRREGULARITIES, THESE ELECTIONS GENERALLY REFLECT THE WILL OF THE ELECTORATE. VICTORIES BY INDEPENDENT CRITICS ARE NOT RARE.

34. THE MORE IMPORTANT LIMITATIONS ON THE ELECTORAL PROCESS ARE STRUCTURAL NOT TECHNICAL.

35. FIRST, THERE HAVE BEEN NO GENERAL ELECTIONS AT THE NATIONAL LEVEL SINCE 1948, BECAUSE THE REPUBLIC OF CHINA MAINTAINS IT IS THE GOVERNMENT OF ALL CHINA AND THAT GENERAL NATIONAL ELECTIONS CANNOT BE HELD UNTIL IT REESTABLISHES CONTROL OVER THE WHOLE COUNTRY. BEGINNING IN 1969, SUPPLEMENTARY ELECTIONS HAVE BEEN HELD FOR THE NATIONAL LEGISLATIVE BODIES. THE NUMBERS ELECTED HAVE NOT BEEN SUFFICIENT TO ALTER THE UNCLASSIFIED

PAGE 09 STATE 136234

COMPOSITION OF THESE BODIES CONSTITUTED ON THE
MAINLAND OF CHINA THIRTY YEARS AGO.

36. SECONDLY, DESPITE THE LARGELY THEORETICAL
EXISTENCE OF TWO OPPOSITION PARTIES, THE REPUBLIC
OF CHINA IS EFFECTIVELY A ONE-PARTY STATE. CANDIDATES
WHO OPPOSE THE RULING NATIONALIST PARTY RUN AS IN-
DEPENDENTS. THEY HAVE NOT, HOWEVER, BEEN ALLOWED TO
ORGANIZE A MEANINGFUL OPPOSITION PARTY. ECONOMIC
AND SOCIAL IMPROVEMENTS HELP EXPLAIN THE PARTY'S
POLITICAL SUCCESS. NEVERTHELESS, ITS CONTROL RESTS
PARTLY ON RESTRICTIONS PLACED ON THE CIVIL AND
POLITICAL RIGHTS OF ITS OPPONENTS.

37. FREEDOM OF PRESS

38. FREEDOM HOUSE CLASSIFIED THE PRESS ON TAIWAN
AS QUOTE PARTLY FREE UNQUOTE.

39. WHILE FREEDOM OF SPEECH AND THE PRESS ARE
GUARANTEED BY THE CONSTITUTION, MARTIAL LAW GIVES
THE GOVERNMENT AUTHORITY TO LIMIT BOTH. IN PRACTICE,
THERE ARE WELL-RECOGNIZED RESTRICTIONS ON QUESTIONING
BASIC POLICIES. VIEWS CONTRARY TO THE GOVERNMENT'S
CLAIM TO REPRESENT ALL CHINA, AT VARIANCE WITH
ITS ADAMANT ANTI-COMMUNIST STANCE, AS WELL AS THOSE
ADVOCATING TAIWAN'S INDEPENDENCE ARE CONSIDERED
IMPERMISSIBLE AND PUNISHABLE UNDER LAW. WITH THE
EXCEPTION OF THESE LIMITED, BUT CRUCIAL SUBJECTS,
PEOPLE ARE GENERALLY FREE TO SAY AND PUBLISH WHAT
THEY WISH.

40. THE PRESS ON TAIWAN PRACTICES SELF-CENSORSHIP.
THE GOVERNMENT CONDUCTS POST-PUBLICATION CENSORSHIP
AND OCCASIONALLY RECALLS ARTICLES OR PUBLICATIONS.
UNCLASSIFIED

PAGE 10 STATE 136234

IT HAS SUSPENDED, REORGANIZED, OR BANNED OUTSPOKEN
PERIODICALS. IN RECENT YEARS, THE GOVERNMENT HAS
ALLOWED SOMEWHAT FREER ACCESS TO INFORMATION ABOUT
OVERSEAS DEVELOPMENTS, INCLUDING EVENTS IN THE PRC,
AND HAS BECOME LESS RESTRICTIVE IN ITS CENSORSHIP
OF FOREIGN NEWS AND PERIODICALS.

41. US ACTION

42. YOU ASKED WHAT REPRESENTATIONS THE DEPARTMENT
HAS MADE ON HUMAN RIGHTS. OVER THE YEARS, WE HAVE
QUIETLY TRIED TO ENCOURAGE GREATER RESPECT FOR
HUMAN RIGHTS ON TAIWAN. OUR EMBASSY HAS FREQUENTLY

DISCUSSED AMERICAN CONCERNS ON HUMAN RIGHTS WITH

PEOPLE IN AND OUT OF GOVERNMENT. I CAN ASSURE YOU THAT THE HIGHEST LEADERS OF THE REPUBLIC OF CHINA ARE FULLY AWARE OF OUR VIEWS. THE EMBASSY HAS MAINTAINED CONTACTS WITH A BROAD RANGE OF POLITICALLY ACTIVE PEOPLE, INCLUDING CRITICS OF THE GOVERNMENT. WE HAVE EXPRESSED INTEREST IN PARTICULAR POLITICAL PRISONERS IN AN EFFORT TO INDICATE OUR CONCERN FOR THOSE WHOSE HUMAN RIGHTS HAVE BEEN INFRINGED AS WELL AS TO HELP PARTICULAR INDIVIDUALS. I BELIEVE THESE EFFORTS HAVE ENCOURAGED THE LONG-TERM TREND TOWARD A MORE OPEN SOCIETY.

43. THERE IS EVIDENCE THAT THE ROC IS RESPONSIVE TO THE PRESIDENT'S HUMAN RIGHTS EMPHASIS. ADMINISTRATION STATEMENTS AND THE HUMAN RIGHTS REPORT ON THE REPUBLIC OF CHINA SUBMITTED TO CONGRESS EARLIER THIS YEAR HAVE PROMPTED PUBLIC DISCUSSION OF HUMAN RIGHTS ISSUES ON TAIWAN. LAST DECEMBER, THE GOVERNMENT, FOR THE FIRST TIME, RELEASED STATISTICAL INFORMATION ON POLITICAL PRISONERS. THIS SPRING, THE GOVERNMENT GRANTED AN EXIT PERMIT TO A PROMINENT
UNCLASSIFIED

PAGE 11 STATE 136234

OPPOSITION SPOKESMAN WHO PREVIOUSLY HAD NOT BEEN PERMITTED TO TRAVEL ABROAD.

44. PROGNOSIS FOR THE FUTURE

45. THE BROAD DOMESTIC AND INTERNATIONAL FACTORS THAT HAVE BROUGHT ABOUT THE ROC'S EVOLUTION TOWARD A MORE OPEN SOCIETY SHOULD CONTINUE TO OPERATE IN THE YEARS AHEAD. THE GOVERNMENT OF THE REPUBLIC OF CHINA HAS BECOME INCREASINGLY CONSCIOUS OF HUMAN RIGHTS CONSIDERATIONS. THERE MAY BE TEMPORARY SETBACKS BUT THE LONG-TERM TREND PROMISES TO BE TOWARD GREATER RESPECT FOR INDIVIDUAL LIBERTIES. WHILE BROAD TRENDS WILL LARGELY SHAPE THE FUTURE, I CAN ASSURE YOU THAT THE ADMINISTRATION, IN CONCERT WITH THE CONGRESS, WILL CONTINUE TO SEEK EFFECTIVE MEANS OF ENCOURAGING TAIWAN'S EVOLUTION TOWARD A MORE OPEN SOCIETY. END OF TEXT. VANCE

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